

1
2
3
4 JAMES MICHAEL FAYED,
5 Plaintiff,
6 v.
7 DAVID WINSLOW, et al.,
8 Defendants.
9

10 Case No. [23-cv-01012-JST](#)
11

12 **ORDER OF DISMISSAL**
13

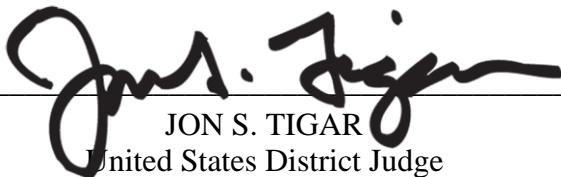
14 Re: ECF No. 10
15

16 Plaintiff, an inmate housed at San Quentin State Prison (“SQSP”), filed a *pro se* action
17 pursuant to 42 U.S.C. § 1983. Plaintiff has since filed a motion to withdraw this action without
18 prejudice, which the Court construes as a request for voluntary dismissal pursuant to Fed. R. Civ.
19 P. 41(a)(1). ECF No. 10. Plaintiff also requests that the Court waive the filing fees. Fed. R. Civ.
20 P. 41(a)(1) provides that a plaintiff may dismiss an action without a court order by filing a notice
21 of dismissal before the opposing party serves either an answer or a motion for summary judgment,
22 and that such dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1). Defendants have not yet
23 filed an answer. Accordingly, Plaintiff’s motion for voluntary dismissal is GRANTED. ECF No.
24 10. The Court cannot waive filing fees. The Court is required to assess filing fees whenever a
25 civil action is initiated. 28 U.S.C. § 1914. This action is DISMISSED without prejudice. The
26 Clerk shall enter judgment against Plaintiff and in favor of Defendants, and close the case.
27

28 This order terminates ECF No. 18.

IT IS SO ORDERED.

Dated: April 25, 2023


26 JON S. TIGAR
27 United States District Judge
28